



May 10, 2004

Mr. George Hodges, Esq.  
Boeggeman, George, Hodges & Corde, P.C.  
11 Martine Avenue, Suite 920  
White Plains, N.Y. 10606-1934

Re: **Montell v. Electrolux**  
**Your File NO.: 089-093 GSH**

MAY 18

Dear Mr. Hodges:

I am returning my depositions. I have signed and had the last page notarized.

There are some changes which should be made, they are:

Page 9, US Controls has been purchased by a company called ARK-LES.  
Page 10, Line 10, "locks" should be "unlocks"  
Page 17, Line 14, I have been deposed about 15 times, 2 were on lid lock cases.  
Page 22, Line 11 "pack" should be "part".

Please feel free to give me a call at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred J. Pauk'.

Fred J. Pauk  
Manager, Product Safety and Compliance  
Electrolux Home Products  
fred.pauk@electrolux.com  
(515) 832-7424

**ELECTROLUX HOME PRODUCTS NORTH AMERICA**

**MAILING ADDRESS**  
400 Des Moines Street  
Webster City, Iowa 50595  
USA

**OFFICE ADDRESS**  
400 Des Moines Street  
Webster City, Iowa 50595  
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**TELEPHONE**  
515 832 5334  
**FAX**  
515 832 6988

**SITE**  
[www.frigidaire.com](http://www.frigidaire.com)  
[www.poulan.com](http://www.poulan.com)  
[www.weedeater.com](http://www.weedeater.com)

## Closing Litigation Status Report

*LeBlanc, Paul on behalf of Randy LeBlanc v. White Consolidated Industries, Inc.*

**RM0705**

**Claim Number:** 05608/0

**Division / Location:** EHP / Webster City, IA

**Assigned to:** HEB

**Date Closed:** 07/12/01

**Date of Loss:** 05/10/98

**Date Complaint Filed:** 04/26/99

**Docket Number:** 125381

**Court:** 32nd Judicial District

**Amount of Suit:**

**Place:** LA

**Indemnity Reserves:**

Equinox / 10000.817003

**Expense Reserves:** § **Redacted**

**Total Expenses:**

**Redacted**

**Product Information:**

**Product:** Washer

**Model #:** TWX233RBWI

**Serial #:** XC51443401

**WCI Counsel:**

Jones, Walker, Waechter, Poitevent, Carrere & De  
Place St. Charles  
201 St. Charles Avenue  
New Orleans LA 70170-5100  
504 582-8144

**Opposing Counsel:**

MCC RECORDS MANAGEMENT  
Co: 19 Box# 8964  
CTRL# 96185 Loc 13-14-12

**Facts / Result**

16 year old put arm into moving washer.

### Closing Litigation Status Report

10/23/1999	Discovery underway; lock appears to have failed.
02/22/2000	Plt. original counsel disbarred. New counsel has entered. Need to reinspect with electrical eng.
04/28/2000	New counsel has withdrawn.
06/05/2000	Counsel has been ordered to show cause why the case should not be dismissed.
09/25/2000	Court has placed on inactive docket. Plt. must re-file within one year or we can move for dismissal.
07/12/2001	Dismissed 6/28/01.

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA  
2001 JUN 28 PM 4:00  
JUN 28 2001  
LORETTA G. WHYTE  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

PAUL A. LEBLANC,  
ON BEHALF OF HIS MINOR CHILD,  
RANDY LEBLANC

versus

WHITE CONSOLIDATED  
INDUSTRIES, INC. AND  
TAPPAN AND FRIGIDAIRE HOME  
PRODUCTS

Civil Action

Docket No. 99-1431

Section "K"

Judge Duvall

Magistrate Shushan

\* \* \* \* \*

MOTION TO DISMISS

NOW INTO COURT, through undersigned counsel, comes White Consolidated Industries, Inc. ("White Consolidated"), which moves this Court to dismiss the captioned matter for the following reasons:

1.

On June 22, 2000, this Court entered an Order that this matter be statistically closed. The order further provided that "in the event that there [was] no motion to re-open filed by the

N0689947.1

DATE OF ENTRY

JUN 11 2001

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA  
2001 JUN 28 PM 4:00  
JUN 28 2001  
LORETTA G. WHYTE  
CLERK

appropriate party within one year [of the date of the order], the matter will be dismissed."

2.

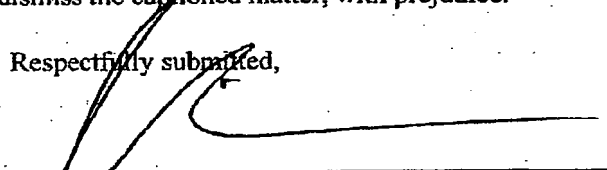
Upon information and belief, no party has filed a motion to re-open this matter.

3.

Accordingly, White Consolidated respectfully moves this Court to dismiss the captioned matter against White Consolidated Industries, Inc., with prejudice.

WHEREFORE, for the above and foregoing reasons, defendant, White Consolidated Industries, Inc., hereby moves this Court to dismiss the captioned matter, with prejudice.

Respectfully submitted,



---

JOHN C. COMBE, JR., T.A. (#4377)  
JOSEPH S. PIACUN (#25211)  
Jones, Walker, Waechter, Poitevent,  
Carrère & Denègre, L.L.P.  
201 St. Charles Avenue  
New Orleans, Louisiana 70170-5100  
Telephone: (504) 582-8000  
**Attorneys for Defendant**  
**White Consolidated Industries, Inc.**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

PAUL A. LEBLANC,  
ON BEHALF OF HIS MINOR CHILD,  
RANDY LEBLANC

versus

WHITE CONSOLIDATED  
INDUSTRIES, INC. AND  
TAPPAN AND FRIGIDAIRE HOME  
PRODUCTS

Civil Action

Docket No. 99-1431

Section "K"

Judge Duvall

Magistrate Shushan

\* \* \* \* \*

ORDER

Considering the foregoing Motion to Dismiss,

IT IS HEREBY ORDERED that the captioned matter be and the same is hereby dismissed,  
with prejudice.

New Orleans, Louisiana, this 27<sup>th</sup> day of June, 2001.

  
UNITED STATES DISTRICT JUDGE

N0689947.1

DEF 000832

AUG 25 2008 11:26 FR WCI GAL DEPT 216 898 2348 TO 919147615211 P.06/21

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

SUZANEN ARNOLD, \_\_\_\_\_X

Plaintiff,

-against-

JOHN J. SCHMITTAU, MARY JANE SCHMITTAU,  
RICHMOND DISCOUNT APPLIANCE SALES COPR.,  
WHITE CONSOLIDATED INDUSTRIES AND  
FRIGIDAIRE HOME PRODUCTS

Defendants. \_\_\_\_\_X

Index No.: 12452/00  
Date Purchased: 8/2/00  
SUMMONSPlaintiff designates  
RICHMOND County as the  
place of trial.The basis of venue is:  
plaintiff's residencePlaintiff resides at:  
444 Bradford Avenue  
Staten Island, NY 10307


County of Richmond

Redacted

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Staten Island, New York

  
 ANTHONY L. GALANTE  
 AMEDURI, GALANTE & FRISCIA  
 Attorneys for Plaintiff(s)  
 471 Bement Avenue  
 Staten Island, New York 10310  
 (718) 442-9000  
 Our File No. 1534
TO: JOHN J. SCHMITTAU  
73 Bedell Avenue  
Staten Island, NY 10307MARY JANE SCHMITTAU  
73 Bedell Avenue  
Staten Island, NY 10307

WHITE CONSOLIDATED INDUSTRIES, INC.

 AMEDURI,  
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 & FRISCIA  
 Attorneys At Law  
 471 BEMENT AVENUE  
 STATEN ISLAND  
 NEW YORK 10310  
 718 442-9000

 RICHMOND COUNTY CLERK  
 DO AUG -2 PM 4:09  
 RECEIVED COURT CLERK

AUG 25 2000 11:27 FR WCI LEGAL DEPT 216 898 2340 TO 919147615211 P.07/21

P.O. Box 35920  
Cleveland, Ohio 44135

RICHMOND DISCOUNT APPLIANCE SALES, CORP.  
6308 Amboy Road  
Staten Island, NY 10309

FRIGIDARE  
P.O. Box 7190  
Dublin, Oh 43017-0790

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

SUZANEN ARNOLD, \_\_\_\_\_X

Plaintiff,

-against-

Index No.: 12452/00

Date Purchased: 8/2/00

JOHN J. SCHMITTAU, MARY JANE SCHMITTAU,  
RICHMOND DISCOUNT APPLIANCE SALES CORP.,  
WHITE CONSOLIDATED INDUSTRIES AND  
FRIGIDAIRE HOME PRODUCTS

VERIFIED COMPLAINT

Defendants. \_\_\_\_\_X

Plaintiff, by her attorneys, AMEDURI, GALANTE & FRISCIA, complaining of the  
Defendant, respectfully alleges, upon information and belief:

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF SUZANNE ARNOLD**

1. At all times herein mentioned, Plaintiff SUZANNE ARNOLD, was, and still is, a resident of the County of Richmond, State of New York.
2. Upon information and belief, at all times herein mentioned, Defendant, JOHN J. SCHMITTAU, was, and still is, a resident of the County of Richmond, State of New York.
3. Upon information and belief, at all times herein mentioned, Defendant, MARY JANE SCHMITTAU, was, and still is, a resident of the County of Richmond, State of New York.
4. Upon information and belief, at all times herein mentioned, Defendant RICHMOND DISCOUNT APPLIANCE SALES CORP. (hereinafter referred to as "RICHMOND") was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the

Redacted

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State of New York.

5. Upon information and belief, that at all times herein mentioned, Defendant **WHITE CONSOLIDATED INDUSTRIES** (hereinafter referred to as "**WHITE**") was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

6. Upon information and belief, that at all times herein mentioned, Defendant **FRIGIDAIRE HOME PRODUCTS** (hereinafter referred to as "**FRIGIDAIRE**") was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

7. Upon information and belief, that at all times herein mentioned, Defendant **RICHMOND** was and still is a foreign corporation, duly authorized to do business in the State of New York.

8. Upon information and belief, that at all times herein mentioned, Defendant **WHITE** was and still is a foreign corporation, duly authorized to do business in the State of New York.

9. Upon information and belief, that at all times herein mentioned, Defendant **FRIGIDAIRE** was and still is a foreign corporation, duly authorized to do business in the State of New York.

10. Upon information and belief, at all times hereinafter mentioned, defendant, **RICHMOND**, was and still is an un-authorized foreign corporation.

11. Upon information and belief, at all times hereinafter mentioned, defendant, **WHITE** was and still is an un-authorized foreign corporation.

12. Upon information and belief, at all times hereinafter mentioned, defendant,

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FRIGIDAIRE was and still is an un-authorized foreign corporation.

13. That the defendant, JOHN J. SCHMITTAU owned the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

14. That the defendant, MARY JANE SCHMITTAU owned the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

15. That the defendant, JOHN J. SCHMITTAU operated the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

16. That the defendant, MARY JANE SCHMITTAU operated the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

17. That the defendant, JOHN J. SCHMITTAU controlled the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

18. That the defendant, MARY JANE SCHMITTAU controlled the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

19. That the defendant, JOHN J. SCHMITTAU maintained the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

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20. That the defendant, **MARY JANE SCHMITTAU** maintained the premises and furnishings known as and by 444 Bradford Avenue, in the County of Richmond, City and State of New York.

21. That at all times herein mentioned, Defendant, **RICHMOND** maintained its principal place of business within the County of Richmond, State of New York.

22. That Defendant, **JOHN J. SCHMITTAU**, committed a tortious act within the State of New York.

23. That Defendant, **MARY JANE SCHMITTAU**, committed a tortious act within the State of New York.

24. That Defendant, **RICHMOND**, committed a tortious act within the State of New York.

25. That Defendant, **WHITE**, committed a tortious act within the State of New York.

26. That Defendant, **FRIGIDAIRE**, committed a tortious act within the State of New York.

27. That at all times hereinafter mentioned it was the duty of the defendant, **JOHN J. SCHMITTAU** to keep the aforesaid premises and furnishings in a safe, reasonable condition.

28. That at all times hereinafter mentioned it was the duty of the defendant, **MARY JANE SCHMITTAU** to keep the aforesaid premises and furnishings in a safe, reasonable condition.

29. That Defendant, **RICHMOND**, regularly does, or solicits, business in the State of New York.

30. That Defendant, **WHITE**, regularly does, or solicits, business in the State of New York.

31. That Defendant, **FRIGIDAIRE**, regularly does, or solicits, business in the State of New York.

32. That Defendant **RICHMOND** received substantial revenue from goods used or

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consumed, or services rendered, in the State of New York.

33. That Defendant **WHITE** received substantial revenue from goods used or consumed, or services rendered, in the State of New York.

34. That Defendant **FRIGIDAIRE** received substantial revenue from goods used or consumed, or services rendered, in the State of New York.

35. That at all times herein mentioned the Defendant **RICHMOND** was in the business of manufacturing, distributing and selling washing machine for the purpose of sale and use to the general public.

36. That at all times herein mentioned the Defendant **WHITE** was in the business of manufacturing, distributing and selling washing machine for the purpose of sale and use to the general public.

37. That at all times herein mentioned the Defendant **FRIGIDAIRE** was in the business of manufacturing, distributing and selling washing machine for the purpose of sale and use to the general public.

38. That the Defendant, **RICHMOND** manufactured, produced, distributed and sold a certain product called "Frigidaire 8 cycle, Flex Care, Model #FWX233RESI, Serial #XC74343732".

39. That the Defendant, **WHITE** manufactured, produced, distributed and sold a certain product called "Frigidaire 8 cycle, Flex Care, Model #FWX233RESI, Serial #XC74343732".

40. That the Defendant, **FRIGIDAIRE** manufactured, produced, distributed and sold a certain product called "Frigidaire 8 cycle, Flex Care, Model #FWX233RESI, Serial #XC74343732".

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41. That at all times herein mentioned, and prior to May 21, 1999, the Defendant, **RICHMOND**, manufactured, sold, distributed and delivered to various retailers the above mentioned product.

42. That at all times herein mentioned, and prior to May 21, 1999, the Defendant, **WHITE**, manufactured, sold, distributed and delivered to various retailers the above mentioned product.

43. That at all times herein mentioned, and prior to May 21, 1999, the Defendant, **FRIGIDAIRE**, manufactured, sold, distributed and delivered to various retailers the above mentioned product.

44. That at all times herein mentioned, and prior to May 21, 1999 the defendant, **JOHN J. SCHMITTAU** purchased a certain product called "Frigidaire 8 cycle, Flex Care, Model #FWX233RESI, Serial #XC74343732".

45. That at all times herein mentioned, and prior to May 21, 1999 the defendant, **MARY JANE SCHMITTAU** purchased a certain product called "Frigidaire 8 cycle, Flex Care, Model #FWX233RESI, Serial #XC74343732".

46. That at all times hereinafter mentioned, on May 21, 1999 the Plaintiff, **SUZANNE ARNOLD** was at the premises of the Defendants **MARY JANE SCHMITTAU** and **JOHN J. SCHMITTAU** at the invitation of and/or with the knowledge, permission and consent of the Defendants, **MARY JANE SCHMITTAU** and **JOHN J. SCHMITTAU**.

47. That on May 21, 1999, Plaintiff **SUZANNE ARNOLD** used said product of Defendant, **JOHN J. SCHMITTAU**.

48. That on May 21, 1999, Plaintiff **SUZANNE ARNOLD** used said product of Defendant, **MARY JANE SCHMITTAU**.

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49. On, before, and after the date of the incident, the Defendants owned, operated, maintained, managed, supervised, took care of, repaired, and had a duty to operate, manage, maintain, supervise, take care of, repair and place where, the instrumentalities by which the persons through which the aforesaid incident occurred.

50. That the Defendant **JOHN J. SCHMITTAU** expressly and/or impliedly warranted said product was fit for the purpose for which it was intended.

51. That the Defendant **MARY JANE SCHMITTAU** expressly and/or impliedly warranted said product was fit for the purpose for which it was intended.

52. That the Defendant **RICHMOND** expressly and/or impliedly warranted said product was fit for the purpose for which it was intended.

53. That the Defendant **WHITE** expressly and/or impliedly warranted said product was fit for the purpose for which it was intended.

54. That the Defendant **FRIGIDAIRE** expressly and/or impliedly warranted said product was fit for the purpose for which it was intended.

55. That the Defendant **JOHN J. SCHMITTAU** expressly and/or impliedly warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

56. That the Defendant **MARY JANE SCHMITTAU** expressly and/or impliedly warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

57. That the Defendant **RICHMOND** expressly and/or impliedly warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it

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was good, safe and proper to use.

58. That the Defendant **WHITE** expressly and/or impliedly warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

59. That the Defendant **FRIGIDAIRE** expressly and/or impliedly warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

60. That the Defendant, **JOHN J. SCHMITTAU** impliedly warranted that the said product was of merchantable quality and was safe for use.

61. That the Defendant, **MARY JANE SCHMITTAU** impliedly warranted that the said product was of merchantable quality and was safe for use.

62. That the Defendant, **RICHMOND** impliedly warranted that the said product was of merchantable quality and was safe for use.

63. That the Defendant, **WHITE** impliedly warranted that the said product was of merchantable quality and was safe for use.

64. That the Defendant, **FRIGIDAIRE** impliedly warranted that the said product was of merchantable quality and was safe for use.

65. That the Defendant, **MARY JANE SCHMITTAU** requested that the plaintiff **SUZANNE ARNOLD** use the said product

66. That relying upon said warranties, Plaintiff proceeded to use the said product in accordance with its intended use.

67. That Defendant, **RICHMOND** warranted and labeled its product and provided certain

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written instructions on said label in connection with the use of the product.

68. That Defendant, **WHITE** warranted and labeled its product and provided certain written instructions on said label in connection with the use of the product.

69. That Defendant, **FRIGIDAIRE** warranted and labeled its product and provided certain written instructions on said label in connection with the use of the product.

70. That on May 21, 1999 the Plaintiff while using the product in accordance with its intended use and pursuant to the written instructions set forth on the aforesaid label, was caused to suffer and sustain severe bodily injuries.

71. That the aforesaid accident was caused solely and wholly by reason that Defendant, **JOHN J. SCHMITTAU** breached its warranties of merchantability and fitness for intended use of the said product which warranties were both express and implied.

72. That the aforesaid accident was caused solely and wholly by reason that Defendant, **MARY JANE SCHMITTAU** breached its warranties of merchantability and fitness for intended use of the said product which warranties were both express and implied.

73. That the aforesaid accident was caused solely and wholly by reason that Defendant, **RICHMOND** breached its warranties of merchantability and fitness for intended use of the said product which warranties were both express and implied.

74. That the aforesaid accident was caused solely and wholly by reason that Defendant, **WHITE** breached its warranties of merchantability and fitness for intended use of the said product which warranties were both express and implied.

75. That the aforesaid accident was caused solely and wholly by reason that Defendant, **FRIGIDAIRE** breached its warranties of merchantability and fitness for intended use of the said

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product which warranties were both express and implied.

76. That by reason of the foregoing, Plaintiff SUZANNE ARNOLD was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

77. That this action falls within one or more exception set forth in § 1602 of the CPLR.

78. That as a result of the foregoing, Plaintiff was damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF SUZANNE ARNOLD**

79. Plaintiff SUZANNE ARNOLD, repeats, reiterates and realleges each and every allegation contained in the First Cause of Action, together with the same force and effect as though set forth at length herein.

80. That the said product was defective and that said defect was a substantial factor in causing the injury to the Plaintiff.

81. That on May 21, 1999, Plaintiff SUZANNE ARNOLD, used the product for the purpose and use normally intended.

82. That on May 21, 1999, while Plaintiff SUZANNE ARNOLD was using the said product, Frigidaire 8 cycle, Flex Care, Model #FWX233RESL, Serial #XC74343732 causing Plaintiff to suffer severe bodily injuries.

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83. That by reason of the foregoing, the Defendant, **JOHN J. SCHMITTAU**, his agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict product liability.

84. That by reason of the foregoing, the Defendant, **MARY JANE SCHMITTAU**, his agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict product liability.

85. That by reason of the foregoing, the Defendant, **RICHMOND**, his agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict product liability.

86. That by reason of the foregoing, the Defendant, **WHITE**, his agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict product liability.

87. That by reason of the foregoing, the Defendant, **FRIGIDAIRE**, his agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict product liability.

88.

89. That by reason of the foregoing, Plaintiff **SUZANNE ARNOLD**, has been damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

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**AS AND FOR A THIRD CAUSE OF ACTION  
ON BEHALF OF SUZANNE ARNOLD**

90. Plaintiff SUZANNE ARNOLD, repeats, reiterates and realleges each and every allegation contained in the First and Second Causes of Action herein, together with the same force and effect, as though set forth at length herein.

91. That Plaintiff SUZANNE ARNOLD was caused to sustain those bodily injuries through no fault or carelessness of her own, but due wholly and solely to the acts and/or omissions which constituted the negligence of the Defendant, RICHMOND, its agents, servants, employees and/or licensees in improperly and negligently manufacturing and producing said product for use by the general public; and in otherwise being careless and negligent.

92. That Plaintiff SUZANNE ARNOLD was caused to sustain those bodily injuries through no fault or carelessness of her own, but due wholly and solely to the acts and/or omissions which constituted the negligence of the Defendant, WHITE, its agents, servants, employees and/or licensees in improperly and negligently manufacturing, producing and distributing said product for use by the general public; and in otherwise being careless and negligent.

93. That Plaintiff SUZANNE ARNOLD was caused to sustain those bodily injuries through no fault or carelessness of her own, but due wholly and solely to the acts and/or omissions which constituted the negligence of the Defendants, FRIGIDAIRE, its agents, servants, employees and/or licensees in improperly and negligently manufacturing, producing and distributing said product for use by the general public; and in otherwise being careless and negligent.

94. That by reason of the foregoing, Plaintiff SUZANNE ARNOLD, has been damaged in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

ANDREU  
GALANTE  
AND FRISCLA  
Attorneys At Law  
471 BEMENT AVENUE  
STATEN ISLAND  
NEW YORK 10310  
718 442-9000

AUG 25 2008 11:31 FR WC? EGAL DEPT

216 898 2340 T/ 919147615211

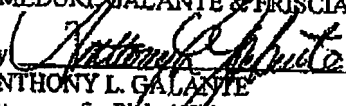
P.20/21

WHEREFORE, Plaintiff demands judgment against the Defendant herein in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS, on the First Cause of Action; in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS on the Second Cause of Action, and in the sum of ONE MILLION (\$1,000,000.00) DOLLARS on the Third Cause of Action, together with the costs and disbursements of this action.

Dated: Staten Island, New York

Yours, etc.

AMEDURI, GALANTE & FRISCIA

By   
ANTHONY L. GALANTE  
Attorneys for Plaintiff(s)  
471 Bement Avenue  
Staten Island, New York 10310  
(718) 442-9000  
Our File No. 1534

AMEDURI,  
GALANTE  
& FRISCIA  
Attorneys At Law  
471 BEMENT AVENUE  
STATEN ISLAND  
NEW YORK 10310  
718 442-9000

AUG 25 2000 11:31 FR WC: EGAL DEPT

216 898 2348 T 919147615211

P.21/21

**PLAINTIFF'S VERIFICATION**

STATE OF NEW YORK     }  
                                      } ss:  
COUNTY OF RICHMOND   }

SUZANNE ARNOLD, being duly sworn, says:

I am a Plaintiff in the action herein. I have read the annexed

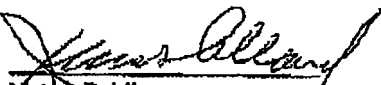
**COMPLAINT**

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

DATED:       Staten Island, New York

  
SUZANNE ARNOLD

Sworn to before me this  
24 day of Sep, 2000

  
Notary Public

JAMES A. DOLLARD  
Notary Public, State of New York  
No. 43-4828877  
Qualified in Richmond County  
Term Expires March 30, 2002

AMENDURI,  
GALANTE  
AND FRISCIA  
Attorneys At Law  
471 GENESEE AVENUE  
STATEN ISLAND  
NEW YORK 10310  
718 442-9000

AUG 25 2000 11:26 FR WCI LEGAL DEPT 216 898 2040 TR 919147615211 P.04/21  
State of New York - Department of State  
Division of Corporations

Party Served:  
WHITE CONSOLIDATED INDUSTRIES, INC.

Plaintiff/Petitioner:  
ARNOLD, SUZANEN

WHITE AT WHITE CONSOLIDATED  
INDUSTRIES, INC.  
11770 BEREA RD.  
LAKEWOOD CLEVELAND, OH 44111

Dear Sir/Madam:

Enclosed herewith is a copy of SUMMONS AND VERIFIED COMPLAINT which was served upon the Secretary of State on 08/10/2000 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations

AUG 25 2008 11:28 FR WCI SEAL DEPT 215 898 2340 TC 919147615211

P.05/21

Index No. *124540*  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

---

SUZANEN ARNOLD,

Plaintiff,

-against-

JOHN J. SCHMITTAU, MARY JANE SCHMITTAU, RICHMOND DISCOUNT APPLIANCE  
SALES COPR., WHITE CONSOLIDATED INDUSTRIES AND FRIGIDAIRE HOME  
PRODUCTS

Defendants.

---

SUMMONS and VERIFIED COMPLAINT

---

AMEDURI, GALANTE & FRISCIA

*Attorneys for Plaintiff*

471 Bement Avenue

Staten Island, New York 10310

(718)442-9000

---

TO:

RICHMOND COUNTY CLERK  
00 AUG -2 PM 4:08  
RECEIVED COURT CLERK

200008100 /ac





November 17, 2003

Mr. George Maher  
1004 Pennsylvania Ave.  
Fort Pierce, FL 34950

RE:           **Product Liability Claim**  
              **Loss Date: 5/18/01**

Dear Mr. Maher:

Per your phone call to our office, you asked that we review your claim again regarding a Washing Machine.

As we have previously stated, we will be unable to assist you with any settlement for damages regarding this incident. After reviewing the information that was submitted and the testing that was completed on the washer, it has been determined that the washing machine had been altered from its factory specifications. Although this was an unfortunate accident, we see no liability with this claim.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robin S. Levy'.

Robin S. Levy  
Claims Consultant

cc:     Fred Pauk

MAILING ADDRESS  
P.O. BOX 35920  
CLEVELAND, OH 44135-0920  
USA

OFFICE ADDRESS  
18013 CLEVELAND PARKWAY  
SUITE 100  
CLEVELAND, OH 44135

TELEPHONE  
216 898 1800  
FAX  
216 898 2393

WEBSITE  
[www.electrolux.com](http://www.electrolux.com)

September 19, 2002

Mr. George Maher  
1004 Pennsylvania Avenue  
Fort Pierce, FL 34950

RE: Product Liability Claim  
Loss Date: 5/18/01

Dear Mr. Maher:

At your request, we have reconsidered our assessment of your claim relating to the injuries sustained on May 18, 2001, and have reviewed the facts and observations reported to us from our field engineer's evaluation at your home. Unfortunately, it is our finding that the washer in question has been altered from its factory specifications, such that the safety locking mechanism would not function as designed.

As a result, we regret that our position has not changed, and that we must continue to deny liability for your claim.

Sincerely,

Judy Hronek  
Claims Consultant

April 17th, 2002

Electrolux  
Ms. Judy Hronek, Claims Consultant  
P.O. Box 35920  
Cleveland, Ohio 44135-0920

Re: Product Liability Claim #Crawford & Co. 111-14154C  
Fridgidaire Washer, model #FWX433RBS1, Serial #  
XC44896865

Dear Ms. Hronek:

I have spent a considerable amount of time reviewing your short letter of November 2, 2001. This is the one that although addressed to me, contained the salutation "Dear Mr. Watson".

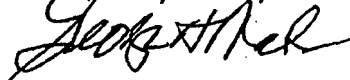
The purpose of this letter is to request you to re-open this claim and re-investigate the facts. I have reviewed this time and again, including the pictures taken by Mr. Prosser and the comparison of the lid lock that he used for the pictures compared to the one that was supplied with our machine. It appears obvious that the "lock" that Mr. Prosser used had been significantly upgraded in thickness and therefore in durability, not to mention that my machine with the factory supplied "lock" opened without opposition which resulted in my injuries. To date, the pain in the "stubs" of my two fingers has subsided minimally and the prognosis is that it will remain for years to come. It has greatly affected my computer skills, a necessary part of my employment.

I feel that I am entitled to some type of settlement for pain and suffering, the effect the injury has had on my employment and enjoyment of life, to mention a few.

In closing I am willing to settle this claim in full for the above mentioned pain and suffering and lingering effect this injury has had on my life and livelihood. Your consideration

of a \$25,000. settlement will be appreciated. My only other recourse will be litigation. Should that be the end result, no one but the attorneys will benefit.

Very truly Yours,

A handwritten signature in black ink, appearing to read "George H. Maher", written in a cursive style.

George H. Maher  
1004 Pennsylvania Avenue  
Fort Pierce, Fl. 34950

Cc: Mr. Michael Treschow  
Mr. Hans Straberg



January 5, 2004

Mrs. Jane Paulson  
PAULSON LAW FIRM  
1000 SW Broadway  
Ste. 1660  
Portland, OR 97205-3068

Re: **Product Liability Claim**  
**Claimant:** Marie Marchais  
**Our Claim #:** 13560/0  
**DOL:** 7/21/03

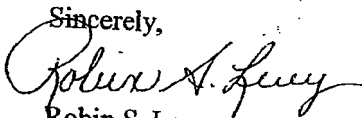
Dear Mrs. Paulson:

We have reviewed the information that was submitted and we have determined that we are not going to be liable for any damages resulting from this incident.

As you have stated, the owner of the machine replaced a piece and had thrown it away. This would be considered spoliation of evidence. Although this was an unfortunate incident, we are unable to prove any liability and respectfully deny this claim.

Should you consider filing suit, please use CT Corporation to file your complaint.

Sincerely,


  
Robin S. Levy  
Claims Consultant

MAILING ADDRESS  
P.O. BOX 35920  
CLEVELAND, OH 44135-0920  
USA

OFFICE ADDRESS  
18013 CLEVELAND PARKWAY  
SUITE 100  
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TELEPHONE  
216 898 1800  
FAX  
216 898 2393

WEBSITE  
[www.electrolux.com](http://www.electrolux.com)

 The Electrolux Group. The world's most innovative.

DEF 000903

January 5, 2004

Mrs. Jane Paulson  
PAULSON LAW FIRM  
1000 SW Broadway  
Ste. 1660  
Portland, OR 97205-3068

Re: **Product Liability Claim**  
**Claimant: Marie Marchais**  
**Our Claim #: 13560/0**  
**DOL: 7/21/03**

Dear Mrs. Paulson:

We have reviewed the information that was submitted and we have determined that we are not going to be liable for any damages resulting from this incident.

As you have stated, the owner of the machine replaced a piece and had thrown it away. This would be considered spoliation of evidence. Although this was an unfortunate incident, we are unable to prove any liability and respectfully deny this claim.

Should you consider filing suit, please use CT Corporation to file your complaint.

Sincerely,

Robin S. Levy  
Claims Consultant

*11/4 send to Fred HSH*

PAULSON LAW FIRM

TRIAL LAWYERS, P.C.

CHARLES PAULSON

September 11, 2003

♦ JANE PAULSON

♦ ALSO ADMITTED IN  
WASHINGTON & CALIFORNIA

Electrolux Home Products, Inc.  
PO Box 35920  
Cleveland, OH 44135

Re: Marie Marchais

Ladies and Gentlemen:

We represent Marie Marchais regarding injuries she received while operating a Frigidaire washing machine, model MWX233RES3. The washing machine was spinning with the top open and the machine grabbed a sheet Ms. Marchais was holding and pulled the sheet with Ms. Marchais' arm into the machine. Ms. Marchais sustained injuries including an amputated ring finger on her right hand and a broken right wrist.

Please let me know within 30 days of the day of this letter if you are interested in settling this claim or we will file suit.

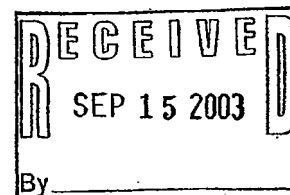
Sincerely,

*JRP*  
Jane Paulson

JP:cz

cc: Marie Marchais

*need loss date  
need location loss address*



1000 SW BROADWAY, SUITE 1660, PORTLAND, OREGON 97205-3068 • (503) 226-6666

DEF 000905



November 24, 2003

Mrs. Paula Gibson  
P.O. Box 815  
Lowell, KY 40805

**RE: PRODUCT LIABILITY CLAIM**  
Claimant: Christopher Gibson  
Date of Loss: 1/26/03

Dear Ms. Gibson.

We are in receipt of your above-captioned claim in which you refer to liability for damages as the result of a Washing Machine.

We will be unable to assist your with any settlement for damages regarding this incident. After reviewing the information that was submitted and inspecting the unit, it has been determined that the washing machine has been altered from it's original manufacturing state.

Although his was an unfortunate accident, we respectfully deny liability of this claim.

Sincerely,

  
Robin S. Levy  
Claims Consultant

Cc: Fred Pauk

Helena Carpenter – Crawford & Company (324-98796)

MAILING ADDRESS  
P.O. BOX 35920  
CLEVELAND, OH 44135-0920  
USA

OFFICE ADDRESS  
18013 CLEVELAND PARKWAY  
SUITE 100  
CLEVELAND, OH 44135

TELEPHONE  
216 898 1800  
FAX  
216 898 2393

WEBSITE  
[www.electrolux.com](http://www.electrolux.com)



November 24, 2003

Mrs. Paula Gibson  
P.O. Box 815  
Lowell, KY 40805

**RE: PRODUCT LIABILITY CLAIM**  
Claimant: Christopher Gibson  
Date of Loss: 1/26/03

Dear Ms. Gibson.

We are in receipt of your above-captioned claim in which you refer to liability for damages as the result of a Washing Machine.

We will be unable to assist your with any settlement for damages regarding this incident. After reviewing the information that was submitted and inspecting the unit, it has been determined that the washing machine has been altered from it's original manufacturing state.

Although his was an unfortunate accident, we respectfully deny liability of this claim.

Sincerely,

Robin S. Levy  
Claims Consultant

Cc: Fred Pauk

Helena Carpenter – Crawford & Company (324-98796)



Photo Mounting Sheet

File Identification

324-98796

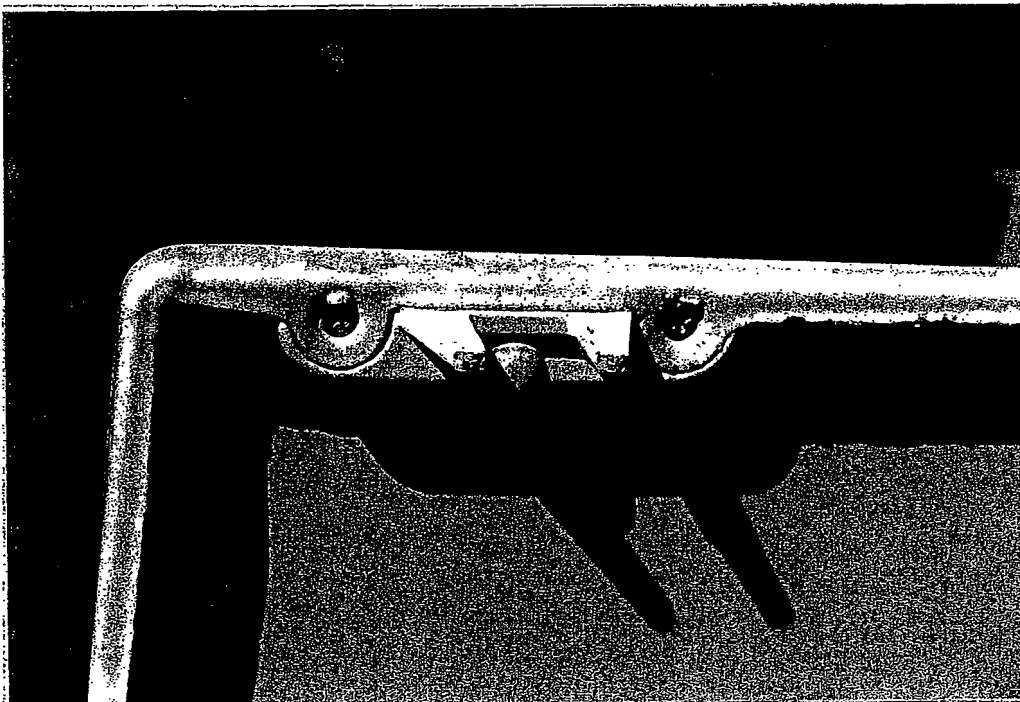
Taken By

H. Carpenter

10/25/03  
DATE TAKEN



① Washes



② Broken Latch



# Photo Mounting Sheet

File Identification 98796  
Taken By H. Carpenter

10/28/03  
DATE TAKEN



③ *Testing*



④ *No reading*



# Photo Mounting Sheet

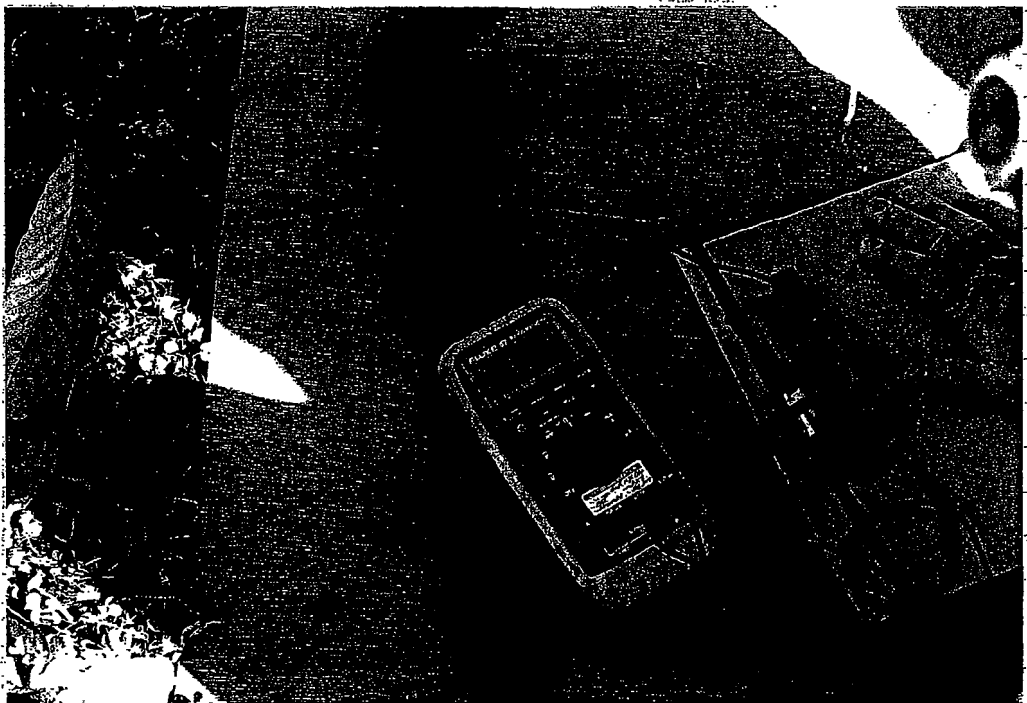
File Identification 98796

Taken By H. Carpenter

10/25/03  
DATE TAKEN



(5)



(6)





# Photo Mounting Sheet

File Identification 98796  
Taken By H. Carpenter

10/28/03  
DATE TAKEN



⑥ Readings



⑦

98796

H. Carpenter

10/28/03  
DATE TAKEN



⑨

7-2155

THE

1. 1.  
2. 2.  
3. 3.

VEGETATIVE LINEAR  
BENT APPROXIMATELY  
100 FEET TO 150 FEET  
IN LENGTH

TO EXPOSE TO ADHESIVE REMOVAL LINE  
TO EXPOSE TO ADHESIVE REMOVAL LINE

EXPLOSIVE REMOVAL UNIT